IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.7345-M of 2006

DATE OF DECISION:1.9.2006

Harjinder Singh & Anr. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri A.K. Goel, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

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Petitioners Harjinder Singh and Jaswinder Singh apprehending their arrest in a non-bailable offence in case FIR No. 16 dated 20.3.2004 under Sections 326,324,148,149 IPC, registered at Police Station Badni Kalan, Moga, District Moga have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Undisputedly, in this case, both the petitioners did not cause any injury which falls under Section 326 IPC. The injury under Section 326 IPC has been attributed to co-accused Navtej Singh. Counsel further contends that in view of the interim order dated 23.5.2006, the petitioners have joined the investigation and the parties have also compromised the matter. Counsel for the respondent-State on instructions from ASI Jagtar Singh does not dispute these facts and further states that the police had prepared untraced report on the basis of the compromise but the said report was not accepted and the investigation is still pending.

In view of the above, the interim bail, granted vide order dated 23.2.2006 is made absolute.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioners shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

September 1, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**